

In The District Court Of The United
States For ^{REC} The Middle District Of
Alabama ^{2005 DEC 15} Southern Division.

DEBRA P.
U.S. DIST.
COURT
MIDDLE
DISTRICT
OF ALABAMA
Travis E. Cummings
Plaintiff

Civil Action
No.

V.

1:05-CV-1093-E
(WO)

Judge Harry K. Anderson,
et al.,
Defendants

Pro-Se

Recommendation of the Plaintiff

In this 42 U.S.C. § 1983 action, Travis E. Cummings ("Cummings") an indigent inmate, challenges the constitutionality of a conviction and sentence entered against him by the Circuit Court of Houston Co, AL, on August 23, 2005 for breaking and entering a vehicle. Specifically, Cummings complains the the prosecution utilized an escape charge, and a Rec. Stolen Property 2nd charge, and a UPS charge for which he was never convicted for impeachment purposes.

1. The escape charge was "no billed" at grand jury 1994.

In 1994 inmate Cummings was charged with escape 2nd by his
Sic Office Mr. James Browder. The charge was no billed because Mr. Cummings turned himself in to the Houston Co Jail (7/25/94).
Assistant District Attorney, ~~Arthur~~ R. Medley issued a notice of impeachment with 5 prior felonies, to inmates attorney Eric Davis. Mr Davis then withdrew for Cummings case for a conflict of interest. The court assigned Parkman & Cissassociates to Cummings case. The District Attorney office then served the new counsel with a notice of impeachment in with inmate Cummings ~~on~~ saw with his own eyes at a Probation hearing. Inmate Cummings would like to subpoena the brief from his probation hearing. The notice had an escape 2nd charge and a 15 yr. sentence on the charge. This notice has been withheld from inmates records.

On the notice of impeachment issued to Eric Davis who was Cummings first Defense Attorney. There is a charge of Receiving Stolen Property in which Mr. Cummings received out of Dale Co. Court. The charge was reduced to misdemeanor with a 6 month sentence and time served. There is also on that notice a Unlawfull Possession of a Controlled Substance charge which was reversed and remanded by the Court of Criminal Appeals. That charge and sentence was thrown out. I would like to ask the court to appoint Counsel for the plaintiff because plaintiff cannot afford one. The court knows the plaintiffs financial situation.

Done this 29th day of November 2005

Travis Earl Cummings
Inmate Dale Co. Jail
Travis E. Cummings